

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

ANTHONY BURNETT,	)	
	)	
Petitioner,	)	
	)	
v.	)	CV 125-009
	)	
TYRONE OLIVER, Commissioner,	)	
Georgia Department of Corrections,	)	
	)	
Respondent. <sup>1</sup>	)	

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**ORDER**

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On December 16, 2024, Petitioner commenced the above-captioned case in the Middle District of Georgia by filing a § 2254 habeas corpus petition. (Doc. no. 1.) United States District Judge Marc T. Treadwell transferred this case to this Court on January 11, 2025. (Doc. nos. 6, 7.) Following transfer of this case to this District, the Clerk of Court issued a deficiency notice instructing Petitioner to submit the \$5.00 filing fee or a motion to proceed *in forma pauperis* (“IFP”) within twenty-one days because Petitioner had not yet paid the filing fee or filed an IFP motion. (See doc. no. 8.) On February 7, 2025, Petitioner’s copies of the notice of transfer, (doc. no. 9), and deficiency notice with enclosed IFP form, (doc. no. 8), were returned as undeliverable, (doc. no. 11).

Upon review of the docket and filings, there is a discrepancy between the mailing

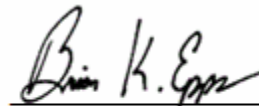
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<sup>1</sup> The Court **DIRECTS** the **CLERK** to update the Respondent on the docket in accordance with the above caption because the only proper Respondent is Tyrone Oliver, Georgia Department of Corrections Commissioner. See Rule 2(a) of the Rules Governing § 2254 Cases; Herrington v. Laughlin, No. CV 116-201, 2017 WL 1348512, at \*2 (S.D. Ga. Jan. 13, 2017) (concluding proper respondent in case where petitioner was incarcerated in a private prison was the Commissioner of the Georgia Department of Corrections, not the Warden of the private facility).

address listed on the docket and the address used on Plaintiff's most recent filing. (See doc. no. 10.) The return address on Plaintiff's most recent filing lists zip code 31061, while the zip code listed on the docket is 31202. According to the Georgia Department of Corrections website, the proper zip code for Riverbend Correctional Facility is 31061. See Find a Location, Ga. Dep't of Corr., <https://gdc.georgia.gov/locations> (search for Riverbend Correctional Facility) (last visited Feb. 11, 2025). The website further confirms Petitioner is incarcerated at Riverbend Correctional Facility. See Find an Offender, Ga. Dep't of Corr., <https://services.gdc.ga.gov/GDC/OffenderQuery/jsp/OffQryForm.jsp> (click "I agree – Go to the Offender Query," then search for Anthony Burnett) (last visited Feb. 11, 2025).

Accordingly, the Court **DIRECTS** the **CLERK** to update Petitioner's address on the docket to Riverbend Correctional Facility 196 Laying Farm Road Milledgeville, Georgia 31061, consistent with the address on Petitioner's most recent filing and the Georgia Department of Corrections website. The Court further **DIRECTS** the **CLERK** to re-serve the notice of transfer, (doc. no. 9), and deficiency notice with accompanying IFP form, (doc. no. 8), on Petitioner at this updated address. Petitioner shall have an additional twenty-one days from the date of this Order to comply with the deficiency notice by paying the filing fee or submitting an IFP motion. Failure to comply with the deficiency notice may result in the recommendation this case be dismissed.

SO ORDERED this 11th day of February, 2025, at Augusta, Georgia.

  
BRIAN K. EPPS  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA